

1 UNITED STATES DISTRICT COURT
2 NORTHERN DISTRICT OF CALIFORNIA
3 SAN FRANCISCO DIVISION

4
5 **IN RE GOOGLE PLAY STORE
ANTITRUST LITIGATION**

6 THIS DOCUMENT RELATES TO:

7 *Epic Games, Inc. v. Google LLC et al.*, Case
8 No. 3:20-cv-05671-JD

9 *In re Google Play Consumer Antitrust
Litigation*, Case No. 3:20-cv-05761-JD

10 *State of Utah et al. v. Google LLC et al.*, Case
11 No. 3:21-cv-05227-JD

12 *Match Group, LLC et al. v. Google LLC et al.*,
13 Case No. 3:22-cv-02746-JD

Case No. 3:21-md-02981-JD

**STIPULATED [PROPOSED] ORDER
SHORTENING TIME TO BE HEARD
FOR MOTION PURSUANT TO RULE
37(c)(1) TO EXCLUDE TRIAL
TESTIMONY BY CARSON OLIVER**

Judge: Hon. James Donato

1 WHEREAS Plaintiffs have filed concurrently with this stipulation a Notice of Motion and
2 Motion Pursuant to Rule 37(c)(1) to Exclude Trial Testimony by Carson Oliver (the “Motion”).

3 WHEREAS Plaintiffs believe it would be most efficient for the Motion to be heard during the
4 October 12, 2023 pre-trial status conference to be held in the above-captioned action (the “October 12
5 Hearing”) (*see* MDL Dkt. 603), and the parties have stipulated to page limits and a modified briefing
6 schedule in order for the Motion to be fully submitted and heard by the Court on that date.

7 WHEREAS Civil Local Rule 7-2(a) provides that “all motions must be filed, served and noticed
8 in writing on the motion calendar of the assigned Judge for hearing not less than 35 days after filing of
9 the motion.”

10 WHEREAS Plaintiffs are filing this Motion 15 days before the October 12 Hearing.

11 WHEREAS, pursuant to Civil Local Rule 6-2(a), the circumstances underlying this request, a
12 description of previous time modifications in this case, and a description of the effect of this requested
13 time modification are detailed in the accompanying declaration of Lauren A. Moskowitz.

14
15 NOW, THEREFORE, IT IS HEREBY STIPULATED AND AGREED:

16 Plaintiffs’ Motion Pursuant to Rule 37(c)(1) to Exclude Trial Testimony by Carson Oliver will
17 be heard at 10 a.m. on October 12, 2023 in Courtroom 11;

18 Plaintiffs’ Motion shall be limited to five pages in length.

19 Google’s Opposition to the Motion (if any) shall be due on October 4, 2023, and shall be limited
20 to five pages in length; and

21 Plaintiffs shall not be permitted to file a Reply in support of the Motion absent further order from
22 this Court.

1 Dated: September 27, 2023

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Christine Varney (*pro hac vice*)

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7 By: /s/ Lauren A. Moskowitz

8 Lauren A. Moskowitz

9 *Counsel for Plaintiff Epic Games, Inc.*

10 Dated: September 27, 2023

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Karma M. Giulianelli

12 KAPLAN FOX & KILSHEIMER LLP

Hae Sung Nam

13 By: /s/ Karma M. Giulianelli

14 Karma M. Giulianelli

15 *Co-Lead Counsel for Consumer Plaintiffs in In re*
16 *Google Play Consumer Antitrust Litigation*

17 Dated: September 27, 2023

PRITZKER LEVINE LLP

Elizabeth C. Pritzker

18 Respectfully submitted,

19 By: /s/ Elizabeth C. Pritzker

20 Elizabeth C. Pritzker

21 *Liaison Counsel for Consumer Plaintiffs in In re*
22 *Google Play Consumer Antitrust Litigation*

1 Dated: September 27, 2023

OFFICE OF THE UTAH ATTORNEY GENERAL
Brendan P. Glackin
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3 By: /s/ Lauren M. Weinstein
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4 *Counsel for the Plaintiff States*

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6 Dated: September 27, 2023

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10 *Counsel for Plaintiffs Match Group, LLC et al.*

11
12 Dated: September 27, 2023

MUNGER, TOLLES & OLSON
Dane P. Shikman

13
14 By: /s/ Dane P. Shikman
Dane P. Shikman

15 *Counsel for Defendants Google LLC et al.*

16
17 **PURSUANT TO STIPULATION, IT IS SO ORDERED**

18
19 Dated: _____

HON. JAMES DONATO
United States District Judge

E-FILING ATTESTATION

I, Benjamin J. Cole, am the ECF User whose ID and password are being used to file this document. In compliance with Civil Local Rule 5-1(i)(3), I hereby attest that each of the signatories identified above has concurred in this filing.

/s/ Benjamin J. Cole

Benjamin J. Cole